

Minutes of the Executive Committee Meeting

The Executive Committee of the McLean County Board met on Tuesday, April 8, 2008, at 4:30 p.m. in Room 400, Government Center, 115 E. Washington Street, Bloomington, Illinois.

Members Present: Chairman Sorensen, Members Nuckolls, Owens, Gordon, Hoselton, Renner, and Segobiano

Members Absent: Members Selzer and Bostic

Other Members Present: Member Caisley

Staff Present: Mr. John Zeunik, County Administrator; Mr. Terry Lindberg, Assistant County Administrator; Ms. Jude LaCasse, Assistant to the County Administrator

Department Heads/
Elected Officials Present: Mr. Bill Wasson, Director, Parks and Recreation

Others Present: Ms. Michelle Anderson, Financial Reporting Specialist, County Auditor's Office; Mr. Bob Lenz, Attorney and Dr. John Krueger representing the McLean County Abraham Lincoln Bicentennial Commission

Chairman Sorensen called the meeting to order at 4:35 p.m.

Chairman Sorensen presented the minutes from the March 11, 2008 Executive Committee Meeting and the February 19, 2008 Stand-Up Meeting for approval. Hearing no corrections to those minutes, Chairman Sorensen advised that the minutes would stand approved as presented.

Chairman Sorensen presented the Reappointments, Appointments and Resignations to the Committee for approval.

Motion by Segobiano/Renner to Recommend Approval of the Reappointments, Appointments and Resignations as recommended by the Chairman.
Motion carried.

Mr. Segobiano recognized Mr. Steven Wannemacher's 21 years of service with the Airport Authority.

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Chairman Sorensen presented a request for approval to provide financial assistance, along with the City of Bloomington and the Town of Normal, to the McLean County Abraham Lincoln Bicentennial Commission in the amount of \$34,667.00 from each entity. He noted that Attorney Robert Lenz and Dr. John Krueger, McLean County Abraham Lincoln Bicentennial Commission, were present to answer any questions.

Mr. Owens asked if this expense was planned for in the budget. Mr. Zeunik replied that it was budgeted in the 2008 Budget.

Motion by Gordon/Renner to Recommend Approval to provide Financial Assistance, along with the City of Bloomington and the Town of Normal, to the McLean County Abraham Lincoln Bicentennial Commission in the amount of \$34,667.00 from each entity.
Motion carried.

Mr. Ben Owens, Chairman, Rules Sub-Committee, presented a request for approval of a Resolution to amend the Rules of the County Board of McLean County.

Motion by Owens/Gordon to recommend approval of a Resolution to Amend the Rules of the County Board of McLean County as submitted.
Motion carried.

Mr. Bob Nuckolls, Chairman, Legislative Sub-Committee, presented a request for approval of a Resolution Adopting the 2008 Legislative Sub-Committee Recommendations. He noted that the information is included in the packet.

Motion by Nuckolls/Segobiano to recommend approval of a Resolution Adopting the 2008 Legislative Sub-Committee Recommendations.
Motion carried.

Chairman Sorensen presented a request for approval of a Resolution of the McLean County Board Declaring the Month of April, 2008, as National Donate Life Month.

Motion by Owens/Renner to recommend approval of a Resolution of the McLean County Board Declaring the Month of April, 2008, as National Donate Life Month.
Motion carried.

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Chairman Sorensen presented a request for approval of a Resolution of Congratulations to the Lexington Junior High School 8th Grade Girls' Volleyball Team.

Motion by Segobiano/Hoselton to recommend approval of a Resolution of Congratulations to the Lexington Junior High School 8th Grade Girls' Volleyball Team.

Mr. Segobiano requested that a generic form be prepared and made available to Board members who wish to recognize and congratulate schools, students and citizens of McLean County who have achieved positive accomplishments in the County. Chairman Sorensen replied that the Rules Sub-Committee established a process where any Board member can request a Resolution of Congratulations to be passed by the Board and presented to the recipient.

Mr. Segobiano asked that the process be made easier by having a generic form available to the Board members.

Mr. Owens pointed out that the Administrator's Office has been very accommodating in preparing the Resolution of Congratulations and in working with the schools to present the Resolution.

Chairman Sorensen asked for a vote on the previous Motion.

Motion carried.

Chairman Sorensen advised that, with the resignation of Mr. Steven Wannemacher to the Bloomington-Normal Airport Authority, three candidates have expressed an interest in that position. He reminded the Committee that he sent a letter to the Board members with the information on the candidates. Chairman Sorensen asked that the Board members respond to him with their recommendations by Thursday or Friday of this week.

Mr. Stan Hoselton, Chairman, Transportation Committee, reported that the Transportation Committee brings two items for action to the Executive Committee. The first is a request for approval of an Illinois Transportation Enhancement Program – Historic Route 66 Bikepath Grant Application. He explained that on September 21, 1999 the full Board voted to support and participate in the proposed Route 66 Bikeway. Mr. Hoselton advised that this request is for approval of a grant application to the Illinois Transportation Enhancement Program.

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Motion by Hoselton/Renner to recommend approval of Illinois Transportation Enhancement Program – Historic Route 66 Bikepath Grant Application.

Chairman Sorensen pointed out that the grant requires a local match. He also noted that there may be other funding sources available to cover the match. Mr. Hoselton indicated that the first phase of the Bikepath is the most expensive phase, from Southwest Bloomington to Funks Grove.

Mr. Hoselton reiterated that this request is for approval to apply for the grant.

Chairman Sorensen asked for a vote on the motion.

Motion carried.

Mr. Hoselton presented a request for approval of East Side Highway Study – Context Sensitive Solution. The first part is for a revised Engineering Agreement and the second part is a revised IDOT Federal Aid Agreement. Mr. Hoselton explained that an additional \$128,000.00 is needed due to the Context Sensitive Solution's process that is required under Illinois law and set up by IDOT. He advised that IDOT reported that there are no State funds available for the project. Mr. Hoselton advised that the County has already contributed \$300,000.00 to that fund. Mr. Zeunik explained that the \$300,000.00 is a combination of \$100,000.00 each from the County, the City of Bloomington and the town of Normal. He added that the \$128,000.00 is actually Federal dollars that have been designated to be spent on Federal projects within the Bloomington-Normal metro area which includes a corridor around the corporate limits. Mr. Zeunik stated that this is reallocating dollars that are programmed to be spent primarily within the Bloomington-Normal area towards this project. He indicated the \$300,000.00 local match going into the project exceeded the required local match, so it was possible to allocate additional Federal dollars into the project without having to increase the local match.

Mr. Segobiano asked that his vote be "present" as he does not support the East Side Highway at this time.

Motion by Hoselton/Owens to recommend approval of East Side Highway Study – Context Sensitive Solution; (1) Revised – Engineering Agreement and (2) Revised – IDOT Federal Aid Agreement.
Motion carried with Mr. Segobiano voting "present".

Chairman Sorensen asked if there were any questions or comments. Hearing none, he thanked Mr. Hoselton.

Mr. Benjamin Owens, Vice Chairman, Finance Committee, presented a request for approval of Amendment No. 1 to the Non-Metro Area Transportation Operating, Capital and Administrative Assistance Grant Agreement for SHOWBUS to obtain an additional \$43,674.00 from the Illinois Department of Transportation (IDOT).

Motion by Owens/Gordon to Recommend Approval of Amendment No. 1 to the Non-Metro Area Transportation Operating, Capital and Administrative Assistance Grant Agreement for SHOWBUS to obtain an additional \$43,674.00 from the Illinois Department of Transportation (IDOT).
Motion carried.

Mr. Owens presented a request for approval of an Ordinance of the McLean County Board Amending the 2008 Combined Appropriation and Budget Ordinance for Fund 0102, Early Childhood Dental Caries Planning Grant in the Health Department.

Motion by Owens/Gordon to Recommend Approval of an Ordinance of the McLean County Board Amending the 2008 Combined Appropriation and Budget Ordinance for Fund 0102, Early Childhood Dental Caries Planning Grant in the Health Department.
Motion carried.

Mr. Owens presented a request for approval of an Ordinance of the McLean County Board Amending the 2008 Combined Appropriation and Budget Ordinance for Fund 0107, STD Prevention Grant.

Motion by Owens/Renner to Recommend Approval of an Ordinance of the McLean County Board Amending the 2008 Combined Appropriation and Budget Ordinance for Fund 0107, STD Prevention Grant in Health Department.
Motion carried.

Mr. Owens presented a request for approval of an Ordinance of the McLean County Board Amending the 2008 Combined Appropriation and Budget Ordinance for Fund 0107, National Association of City and County Health Officials MRC Grant in the Health Department.

Motion by Owens/Renner to Recommend Approval of an Ordinance of the McLean County Board Amending the 2008 Combined Appropriation and Budget Ordinance for Fund 0107, MRC Grant in the Health Department.
Motion carried.

Chairman Sorensen asked if there were any questions or comments. Hearing none, he thanked Mr. Owens.

Mr. Tari Renner, Chairman, Justice Committee, presented a request for approval of an Emergency Appropriation Ordinance Amending the McLean County Fiscal Year 2008 Combined Annual Appropriation and Budget Ordinance, Circuit Clerk Document Storage Fund 0142 (to purchase a Storage Area Network [SAN] Device).

Motion by Renner/Owens to Recommend Approval of an Emergency Appropriation Ordinance amending the McLean County Fiscal Year 2008 Combined Annual Appropriation and Budget Ordinance, Circuit Clerk Document Storage Fund 0142 (to purchase a Storage Area Network [SAN] Device).
Motion carried.

Mr. Renner presented a request for approval of a Multi-Jurisdictional Narcotics Unit Supplemental Equipment Grant from the Illinois Criminal Justice Information Authority for \$30,195.00 in the Sheriff's Department.

Motion by Renner/Segobiano to Recommend Approval of a Multi-Jurisdictional Narcotics Unit Supplemental Equipment Grant from the Illinois Criminal Justice Information Authority in the amount of \$30,195.00 for the Sheriff's Department.
Motion carried.

Mr. Renner indicated that Member Caisley wished to comment on an item to be presented to the Board, namely a request for approval of an Ordinance of the McLean County Board setting a \$15.00 fee to be charged by the McLean County Circuit Clerk for the Children's Advocacy Center ("CAC").

Mr. Renner advised that Mr. Zeunik worked with Ms. Billie Larkin, former Director of the CAC, Metro Counties and our legislative delegation to pass "Public Act 095-0103" which authorizes Counties in which a Children's Advocacy Center

operates, to assess a mandatory fee ranging between \$5.00 and \$30.00, payable by the defendant on court cases where there is a judgment of guilty or a grant of supervision for any felony, misdemeanor, petty offense (including traffic), and business offense.

Mr. Caisley expressed concern with the number of fees being added to criminal cases. He noted that the fees are exceeding the fines. Mr. Caisley distributed a probation order that has a list of the usual fees that are customarily attached to convictions.

Mr. Caisley acknowledged that the Children's Advocacy Center does a good job. He also recognized that the CAC needs funding, as they are currently at the maximum levy for Property Taxes and are losing grants. Mr. Caisley indicated that, while he understands that the CAC needs funding, he questions whether this fee is the proper funding mechanism. He pointed out that this fee would be placed on fines associated with traffic court cases where there is no nexus between the traffic offense and the work of the CAC.

Mr. Caisley indicated that the Circuit Clerk has a book listing all of the many fees assessable in criminal cases, including:

- \$100.00 Circuit Clerk Fee;
- Circuit Clerk Bond Fee (10% on the amount of the bond);
- Violent Crime Victim Compensation Fee of \$4.00 for every \$40.00 fine;
- \$30.00 flat fee to the State's Attorney's Office;
- \$5.00 flat fee for the Court System Fee;
- Security Fee;
- Drug Court Fee if you are convicted of a drug offense;
- Document Storage Fee of \$5.00.

Mr. Caisley noted that a fee was recently approved to fund the Children's Waiting Room at the Law and Justice Center. He added that there is another fee currently under consideration for "neutral custody exchange" for children in divorce cases when parents cannot get along with each other to exchange their children.

Mr. Caisley stated that he does not believe it is fair to assess a fee to a felony fine to go to the CAC unless the crime relates to violence or abuse against children.

Mr. Caisley recommended that the expense of protecting our children is an expense of general government and should be done by means of a tax rather than a fee on court cases.

Mr. Renner stated that he does not disagree with Mr. Caisley's arguments. However, he indicated that there is nothing that can be done to enhance the CAC through Property Taxes. Mr. Renner noted that there is nothing that can be done for the CAC other than this enacted legislation.

Mr. Renner pointed out that, for many years, the Justice Committee has asked what they can do to assist the CAC. He advised that, approving this fee is a means by which the County Board can assist CAC.

Mr. Renner stated that the fees can range from \$5.00 to \$30.00. Other Counties have assessed the following fees:

- DuPage and Cook Counties: \$30.00
- DeWitt County: \$15.00
- Woodford and Tazewell Counties: \$20.00

Mr. Nuckolls indicated that the Justice Committee felt a \$15.00 fee was a fair assessment and was based on the fee charged by DeWitt County, a neighboring County.

Mr. Segobiano disagreed with Mr. Renner's statement that the County could not raise funds for CAC through other means. He asked Mr. Caisley if he has a solution to this issue and if he had talked with the Administrator's Office to discuss alternatives. Mr. Renner advised that the law does not allow the County to increase the levy.

Mr. Zeunik explained that in 1994 the citizens approved a referendum that authorized a Property Tax to support the Children's Advocacy Center at the maximum rate permitted under Illinois law. The current State law does not provide any mechanism for a County to go back to referendum to ask for an increase. Mr. Zeunik indicated that, beyond the Property Tax levy, which represents a very small portion of the budget, the CAC is dependent upon grant funding, which will likely be reduced in the coming year, and fund raising activities.

Mr. Zeunik stated that two years ago Ms. Larkin hosted a meeting in McLean County of all of the CAC directors across the State as well as representatives from the House and the Senate, including Senator Brady, Representative Brady, Senator Rutherford and a number of others to talk about the funding crunch that Children's Advocacy Centers were experiencing and to look for solutions to find a way to provide a more reliable, steady stream of revenue. This meeting was the starting point for drafting the legislation to provide a dedicated fee for the CAC.

Mr. Zeunik pointed out that the DCFS Child Welfare Grant in 2006 was \$117,929.00 and, two years later, it is still \$117,929.00. He advised that the CAC has lived with flat funding of grants for many years. This forces them to live off of the approximately 4% to 4½% increase in the Property Tax Levy each year and from fund raising.

Mr. Zeunik stated that one of the suggestions that the group proposed was to change the enabling Legislation for the Children's Advocacy Center. Instead of capping the tax rate, they asked the Legislature to consider increasing the amount knowing that it would still have to be approved by referendum. Mr. Zeunik indicated that this would mean the Counties would have to go back to the voters to get an increase. He advised that, without exception, the legislators that were present said "no" they would not enact something that could be viewed as a tax increase. No one wants to do anything that can be translated into a Property Tax increase.

Mr. Zeunik indicated that he and Ms. Larkin then suggested a fee modeled after the Drug Court Fee, which had just been enacted and signed into law. Without exception, the legislators agreed to consider the fee, because they do not view a fee as a tax and the fees are not enacted State-wide. Mr. Zeunik stated that Counties are given the authority to decide whether or not to enact the fee and the amount of the fee. He reiterated that the fee could be as low as \$5.00 and as high as \$30.00. Mr. Zeunik advised that the original legislation he and Ms. Larkin drafted tried to separate out the cases that impacted the CAC from those cases that did not impact the CAC. When the legislation finally made it to a sponsor and was introduced, it was changed to include a broad range of cases. Mr. Zeunik noted that this probably resulted from other CAC's, primarily the Collar Counties lobbying for the fee to be broader so that more funds would be raised.

Mr. Caisley recommended two alternatives, namely:

- Appropriate money from the General Fund to fund the CAC;
- County limit the fee to appropriate court cases involving children;

Mr. Caisley advised that this fee is an unstable source of revenue because it depends on the collection of the fees. He noted that only about 60% of assessed fees are collected according the Circuit Clerk.

Mr. Caisley recommended that this item be sent back to the Justice Committee for further evaluation.

Mr. Hoselton asked what is the cost of operating the CAC. Mr. Zeunik replied that the Children's Advocacy Center is a County Department, Special Revenue Fund #0129. He explained that this department is at the maximum in terms of the Property Tax levy of four-tenths of one cent that the County is allowed to levy under the law. Other sources of funding include grant monies that are flat and fund-raising, such as bake sales. Mr. Zeunik indicated that, each year, the Administrator's Office can predict what the revenue will be through the funds available in grant money and by knowing what the Property Tax levy is projected to generate. He stated that the budget is based on a very small amount of revenue. Mr. Zeunik reported that, over the last few years, positions have been cut, funding has been reduced and expenses have been cut in order to have a balanced budget. The fund balance of the CAC is about \$14,000.00 as of December 31, 2006.

Mr. Gordon asked what other revenue sources, under existing law, are possible to consider for CAC. Chairman Sorensen replied that, within the County, the General Fund is the only discretionary fund that can be used. Mr. Zeunik stated that the General Fund is the only unrestricted fund where monies can be appropriated for whatever purpose the County deems necessary. He also noted that the Child Protection Network, which is a 501c(3) not-for-profit, raises money to help support CAC.

Chairman Sorensen asked what is the amount of funding expected to be raised through the fee. Mr. Zeunik replied that there is a chart on page 124 of the agenda packet with data provided by the Circuit Clerk's Office that shows the projected fees for various court cases. At \$15.00 per case, the fee total would be \$121,711.00 if 100% of the fee is collected. Mr. Zeunik reiterated that the collection rate is only about 60%, which would mean an actual collection of about \$72,000.00. Mr. Lindberg added that the four cent Property Tax for the CAC raises about \$130,000.00 and the total CAC budget is around \$400,000.00. The other funding sources are the grant funds and fund raising projects. Mr. Lindberg stated that General Fund monies can be used to subsidize the CAC, but then something else will have to lose its funding.

Mr. Renner asked if the County can determine which court cases are assessed the fee and which are not. Mr. Zeunik replied that the statute is clear on the cases to which it must be applied. He noted that the County could make a decision to assess only certain cases, but only until someone challenges that practice.

Mr. Nuckolls pointed out that if the fee is limited to only those cases involved in child abuse, and considering the 60% collection rate, the CAC would not receive enough funds to cover the funding gap.

Mr. Segobiano suggested that the Board has an opportunity, when the budget is presented, to approve the budget or make amendments to the budget. He encouraged Mr. Caisley to work with Mr. Zeunik to see what options are available for funding the Children's Advocacy Center.

Chairman Sorensen asked if there were any additional comments or questions. Hearing none, he thanked Mr. Renner.

Mr. George Gordon, Chairman, Land Use and Development Committee, reported that the Land Use and Development Committee brings no items for action to the Executive Committee.

Chairman Sorensen asked if there were any questions. Hearing none, he thanked Mr. Gordon.

Ms. Diane Bostic, Chairman, Property Committee, was unable to attend the meeting. Chairman Sorensen reported that the Property Committee brings no items for action to the Executive Committee.

Mr. John Zeunik, County Administrator, informed the Committee that, once again, through the hard work of the Supervisor of Assessment's Office and the Township Assessors, McLean County received a "1" as its State-wide multiplier. He indicated that this will allow the County to get the tax bills out in a timely manner.

Chairman Sorensen asked if there were any questions. Hearing none, he thanked Mr. Zeunik.

Mr. Lindberg asked members of the Legislative Sub-Committee who are present to stay after this meeting to confirm a time for the next Legislative Sub-Committee meeting.

Chairman Sorensen presented a request from the Auditor's Office for an interfund transfer to the Information Technologies Department in the amount of \$13,000.00 to pay for a Part-time seasonal employee. Chairman Sorensen also presented the March 31, 2008 bills as recommended and transmitted by the County Auditor for payment. The Fund Total is \$345,025.30 and the Prepaid Total is the same.

Motion by Gordon/Owens to recommend approval of an Interfund Transfer of \$13,000.00 to the Information Technologies or a Part-time Seasonal Employee; and to recommend approval of the Executive Committee bills for March 31, 2008 as presented to the Committee by the County Auditor.
Motion carried.

There being no further business to come before the Committee, the meeting was adjourned at 5:20 p.m.

Respectfully Submitted,

Judith A. LaCasse
Recording Secretary